

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT JAHODA,

Plaintiff,

v.

15cv1000

LEAD CASE

ELECTRONICALLY FILED

FOOT LOCKER, INC.,

Defendant.

ROBERT JAHODA,

Plaintiff,

v.

15cv1050

BROOKS BROTHERS, INC.,

Defendant.

MICHELLE SIPE,

Plaintiff,

v.

15cv1083

HUNTINGTON NATIONAL BANK,

Defendant.

ROBERT JAHODA,

15cv1123

Plaintiff,

v.

HARD ROCK CAFÉ INTERNATIONAL,
INC.,

Defendant.

ROBERT JAHODA,

15cv1124

Plaintiff,

v.

PEP BOYS,

Defendant.

JILL GROSS ET AL.,

15cv1172

Plaintiffs,

v.

V.F. CORPORATION,

Defendant.

MICHELLE SIPE,

Plaintiff,

15cv1217

v.

RED ROOF INNS, INC.,

Defendant.

ROBERT JAHODA,

Plaintiff,

15cv1255

ELECTRONICALLY FILED

v.

BASSETT FURNITURE INDUSTRIES,
INC.,

Defendant.

ORDER OF COURT

The above-captioned cases have been assigned to United States District Judge Arthur J. Schwab. The above-captioned cases were initiated by the various Plaintiffs who have sued the various Defendants, claiming Defendants' websites are not accessible to visually impaired individuals and contend Defendants are in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* Although these visually impaired Plaintiffs and Defendants in the above captioned cases differ: (1) Counsel for Plaintiffs is the same in each of these cases; (2) the

substantive basis for each of the lawsuits is the same in each of these cases; and (3) the relief sought – a declaratory judgment, injunctive relief, and attorneys’ fees and costs – is the same in each of these cases.

Given these similarities, this Court, as required by Rule 1 of the Federal Rules of Civil Procedure, in an attempt to secure the just, speedy, and inexpensive determination of each the above-captioned actions in the proceedings that will ensue, hereby ORDERS the above actions CONSOLIDATED solely for the purpose of the Parties’: (1) conducting a singular, required Rule 26(f) Conference in person; (2) drafting a singular Proposed Case Management Order; (3) attending and participating in the Initial Case Management Conference in person; and (4) participating in the ADR Process.

With respect to the Rule 26(f) Conference, Plaintiffs’ counsel and Defendants’ counsel for each of the above-captioned lawsuits, as required by Rule 26(f) of the Federal Rules of Civil Procedure, must, as soon as practicable, “confer to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed discovery plan[.]” *See* Fed.R.Civ.P. 26(f). The “confer” meeting must occur at the office of the counsel for Plaintiffs, absent an Order of Court stating otherwise. A written report required by Rule 26(f), in the format set forth in Appendix LCvR 16.1A (10/2010 form) to the Local Rule 16.1.1B (excluding question 12) should be filed on the docket in each of the above-captioned cases on or before December 1, 2015. The form for this written report may be downloaded from the Court’s website at www.pawd.uscourts.gov, “forms”.

With respect to the preparation of the singular Proposed Case Management Order, the Parties to all of the above-captioned cases are to assist in preparing and collectively drafting a

singular Proposed Case Management Order for submission to the Court in compliance with this Court's Practices and Procedure. The Proposed Case Management Order should be filed on the docket in each of the above-captioned cases on or before December 1, 2015. The form for this Proposed Case Management Order may be downloaded from the Court's website at www.pawd.uscourts.gov, "Chambers' Rules/Pittsburgh Division/Schwab/Case Management Order."

With respect to the Initial Case Management Conference, the Initial Case Management Conference shall be held at 8:30 a.m. on December 18, 2015, in Courtroom 7C, 7th Floor, United States Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania. Pursuant to Local Rule 16.1, an initial case management conference will be conducted to discuss narrowing of the issues, the extent of pretrial preparation, discovery procedures, the early disposition of controlling questions of law, the probable extent of provable damages, the possibility of settlement, alternative dispute resolution options, and any other matters that will contribute to prompt and fair disposition of the case; and establish a date for the pretrial conference and a date for the commencement of the trial. Plaintiffs' Counsel and chief trial counsel for each of the Defendants in the respective above-captioned lawsuits are ordered to attend this Conference, in person.

With respect to the ADR Process, the parties should identify their preferred ADR process (mediation, arbitration, early neutral evaluation) on the Parties' Stipulation Selecting ADR Process. The Court ORDERS that only one ADR mediator/arbitrator/evaluator be selected by all of the Parties in the above-captioned cases to mediate/arbitrate/evaluate all of the cases filed by the Plaintiffs in the above-captioned cases, and that person should also be identified in the Parties' Stipulation Selecting ADR Process. The ADR mediator/arbitrator/evaluator will decide whether to hold one or more sessions and whether to consolidate these cases into a singular ADR

session(s) or hold a separate ADR session(s) for each case. A Stipulation Selecting ADR Process (pursuant to Local Rule 16.2) (02/2014 form) (Participation in the ADR process does not stay discovery) should be filed on the docket in each of the above-captioned cases on or before December 1, 2015. The form for this written report may be downloaded from the Court's website at www.pawd.uscourts.gov, "forms".

SO ORDERED, THIS 25th DAY OF SEPTEMBER, 2015.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Court Judge

cc: All Registered ECF Counsel